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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ESTATE OF KHALLID MUHAMMAD;)
HAROLD MOORE JR.)
)
PAULA WHITE-) Case No.
RUSHIDDIN (Estate Administrator))
Plaintiff,)
vs.) COMPLAINT FOR
)
PUBLIC ENEMY (Legal Co-founder's names) COPYRIGHT INFRINGEMENT
& (p/k/a professionally known as))
)
CARLTON DOUGLAS RIDENHOUR) DEMAND FOR JURY TRIAL
(p/k/a "CHUCK D"))
)
WILLIAM JONATHAN DRAYTON, JR.)
(p/k/a "FLAVOR FLAV"))
)
JAMES HENRY BOXLEY)
(p/k/a HANK SHOCKLEE))
)
ERIC SADLER)
)
BARRY WARD)
)
)
UNIVERSAL MUSIC GROUP)

(UMG))
)
DEF JAM RECORDINGS,)
)
CBS RECORDS)
DEF AMERICAN SONGS)
)
MARK MUSIC AND MEDIA LAW PC)
KARISH & BJORGUM PC)
)
and other unnamed DEFENDANTS,)
Defendants.)
_____)

Plaintiff ESTATE OF KHALLID MUHAMMAD; HAROLD MOORE JR. and PAULA WHITE-RUSHIDDIN (Estate Administrator) hereinafter referred to as ESTATE OF KHALLID ABDUL MUHAMMAD hereby complains and alleges as follows:

INTRODUCTION

Defendants' Unauthorized Exploitation of KHALLID ABDUL MUHAMMAD's Speeches.

1. Defendants have, without authorization and without giving credit to the ESTATE OF KHALLID ABDUL MUHAMMAD , copied, reproduced, distributed, displayed, publicly performed, and otherwise exploited the infringing works, resulting in substantial revenue, profit, and commercial success for Defendants. Upon information and belief, each Defendant is responsible in some manner for the events described herein and is liable to the Estate for the damages incurred. As co-infringers, Defendants are jointly and severally liable for all amounts owed.
2. Defendants continue to infringe on the copyrighted speeches of KHALLID ABDUL MUHAMMAD by reproducing, displaying, distributing, exploiting, licensing, and publicly performing the infringing work. Defendants have recently released the song on the new album "IT TAKES A NATION OF MILLIONS TO HOLD US BACK- 35TH ANNIVERSARY EDITION" which included the song "NIGHT OF THE LIVING BASEHEADS" from the original album "IT TAKES A NATION OF

1 MILLIONS TO HOLD US BACK” performed by Defendants PUBLIC ENEMY. Plaintiff is the sole
2 owner of the U.S. copyright in all rights, titles, and interests in the recorded speeches of KHALLID
3 ABDUL MUHAMMAD, which were used without authorization in "NIGHT OF THE LIVING
4 BASEHEADS" and re-used again in the 35th Anniversary re-release.

5 (Exhibit 1:<https://shop.urbanlegends.com/products/public-enemy-it-takes-a-nation-of-millions-to->
6 [hold-us-back-35th-anniversary-edition-4lp](https://shop.urbanlegends.com/products/public-enemy-it-takes-a-nation-of-millions-to-hold-us-back-35th-anniversary-edition-4lp)).



3. The copyrighted works are officially registered with the United States Copyright Office under Registration Number PA 384-605, with a Date of Creation: 1988 and Date of Publication: June 14, 1988. The sound recording is separately registered under Registration Number SR0000099400.
4. This song continues to be reproduced, sold, distributed, publicly performed, licensed, and otherwise exploited on digital streaming platforms, commercial music licensing services, radio broadcasts, and other commercial avenues—all without payment to the Estate or proper credit acknowledging Dr. Muhammad's intellectual contributions.
5. These acts were willful, knowing, and malicious and were perpetrated without regard for the Estate's rights. Defendants' conduct has resulted in ongoing economic harm to Plaintiff while allowing Defendants to benefit from unauthorized use of Dr. Muhammad's legacy and work. Defendants knowingly and deliberately used Dr. Muhammad's voice and speeches to enhance the impact and message of their work while failing to compensate or credit the rightful copyright holder.
6. This action arises from the unauthorized reproduction, distribution, and public performance of Plaintiff's copyrighted speeches by KHALLID ABDUL MUHAMMAD, in violation of 17 U.S.C. §§ 101 et seq. Plaintiff is informed and believes, and thereupon alleges, that Defendants—composers, producers, performers, distributors, and record labels—were directly involved in the unauthorized use, exploitation, licensing, and distribution of the infringing musical composition "NIGHT OF THE LIVING BASEHEADS," including its sound recording and other derivative works embodying the copyrighted speeches.

THE PARTIES

7. Plaintiff ESTATE OF KHALLID ABDUL MUHAMMAD and PAULA WHITE- RUSHIDDIN, ADMINISTRATOR OF THE ESTATE OF HAROLD MOORE JR. (K.A.M) , the sole copyright owner of the recorded speeches used in "NIGHT OF THE LIVING BASEHEADS."
8. Defendant PUBLIC ENEMY (Legal Co-founder's names & (p/k/a professionally known as))
 - a. CARLTON DOUGLAS RIDENHOUR (p/k/a "Chuck D")
 - b. WILLIAM JONATHAN DRAYTON, JR. (p/k/a "Flavor Flav")
9. Defendant JAMES HENRY BOXLEE (p/k/a "HANK SHOCKLEE"): He is credited under this name in various works and has been instrumental in producing and co-writing several of Public Enemy's tracks. Address: Known to reside in New York. Address: [Address not readily available].
10. Defendant ERIC SADLER: A key member of The Bomb Squad, contributing to the innovative production and sound design of Public Enemy's music. Address: [Address not readily available].
11. Defendant BARRY WARD: Identified as an author in a copyright registration related to "Night of the Living Baseheads," his specific contributions require further clarification. Address: [Address not readily available].
12. Defendant UNIVERSAL MUSIC GROUP (UMG and Def Jam Recordings) located at 2220 Colorado Ave. Santa Monica California 90404.
13. Defendant MARK MUSIC AND MEDIA LAW PC located at 120 El Camino Suite 104, Beverly Hills, CA 90212 Attn: Doug Mark and Jared Tankel representing Carlton Douglas Ridenhour p/k/a "Chuck D".
14. Defendant KARISH & BJORGUM PC located at 119 E. Union St., Suite B, Pasadena, CA 91103 Attn: Mark A. Karish and A. Eric Bjorgum representing William Jonathan Drayton, Jr. p/k/a "Flavor Flav".

1 15. These defendants collectively contributed to the creation, production, distribution, and monetization
2 of the song "NIGHT OF THE LIVING BASEHEADS," which incorporates unauthorized samples of
3 KHALLID ABDUL MUHAMMAD's speeches, leading to the alleged copyright infringement.

4 **JURISDICTION AND VENUE**

5 16. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal
6 question jurisdiction) and 28 U.S.C. § 1338(a) (jurisdiction over copyright actions).

7 17. Venue is proper in this District under 28 U.S.C. § 1400(a) because Defendants reside in, or conduct
8 business within, this District and/or a substantial part of the infringing conduct occurred within this
9 District.

10 **FACTUAL BACKGROUND**

11 **Defendants' Unauthorized Exploitation of KHALLID ABDUL MUHAMMAD's Speeches**

12 18. "NIGHT OF THE LIVING BASEHEADS" was released by Defendant PUBLIC ENEMY in 1988 as
13 the third single from their critically acclaimed album "*IT TAKES A NATION OF MILLIONS TO*
14 *HOLD US BACK*". (Exhibit 2: <https://youtu.be/V4GCQ6OFQQg?feature=shared>). The song is the
15 most sample-heavy track on the album, incorporating approximately 20 different audio elements. It
16 addresses the devastating effects of crack cocaine on African American communities during the
17 1980s crack epidemic, referencing the slang term "base" for freebase cocaine. The title draws from
18 the film *Night of the Living Dead*, equating drug addiction to a zombie-like state. The chorus, which
19 asks, "How low can you go?" symbolizes the degradation associated with substance abuse rather than
20 a dance move. The track also features a sample of Plaintiff's speech in Chicago at the Final Call
21 Building in 1985 entitled "SOUTH AFRICA: THE WICKED OFFSPRING OF AMERICA" Black
22 nationalist and Nation of Islam spokesman Dr. Khalid Muhammad, opens the song with a powerful

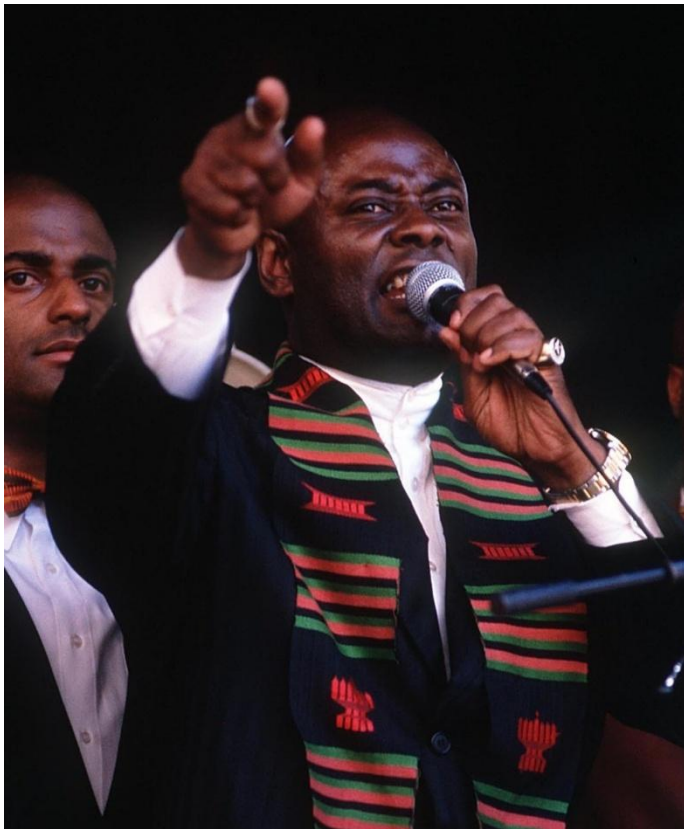
1 statement on the historical and cultural losses suffered by African Americans.

2 (https://en.wikipedia.org/wiki/It_Takes_a_Nation_of_Millions_to_Hold_Us_Back) The song uses

3 this most famous speech quote from KHALLID ABDUL MUHAMMAD:

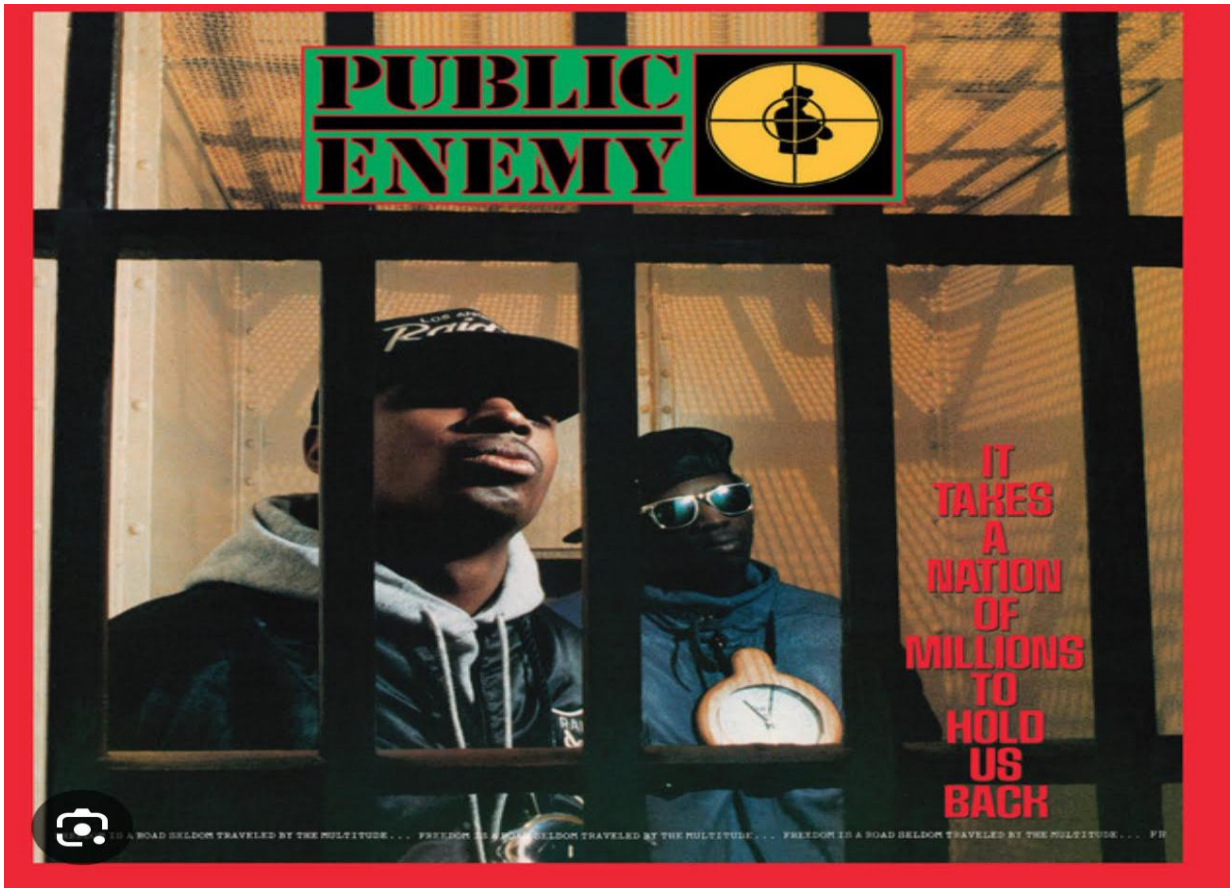
4 ***Have you forgotten that once we were brought***
5 ***here, we were robbed of our name, robbed of our***
6 ***language, we lost our religion, our culture, our***
7 ***God.....and many of us, by the way we act, we've***
8 ***even lost our minds!***

9 (Exhibit 3: <https://youtu.be/u-MA09381b0?feature=shared>)



10)

11
12 19. PUBLIC ENEMY ABLBUM "IT TAKES A NATION OF MILLIONS TO HOLD US BACK."

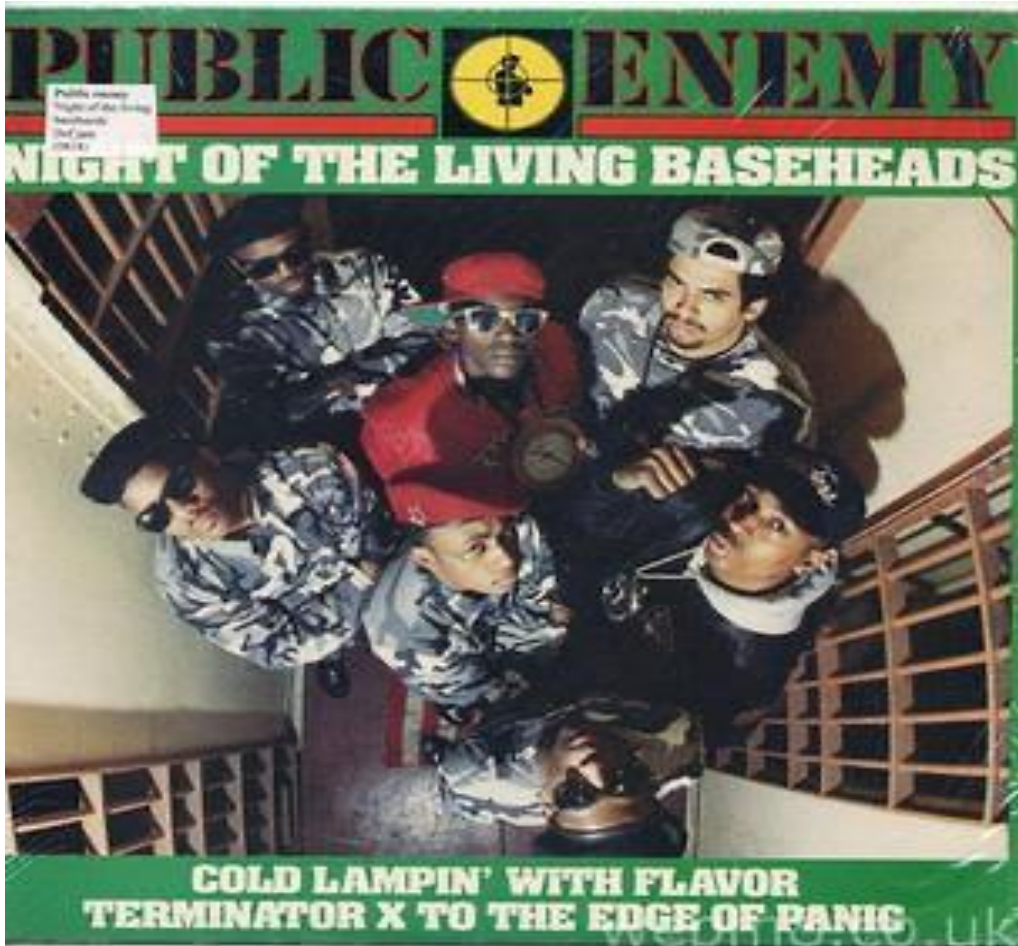


20.

21. DR. KHALID MUHAMMAD'S quote in "*NIGHT OF THE LIVING BASEHEADS*" significantly amplifies the song's impact by grounding it in a powerful historical and cultural context. At the time, DR. KHALID MUHAMMAD was a well-known and highly influential figure in Black nationalist and hip-hop circles, revered for his fiery speeches on Black empowerment, systemic oppression, and self-determination. His voice at the beginning of the track immediately establishes a tone of urgency and consciousness, framing the issue of crack cocaine addiction as part of a broader historical struggle against oppression.

22. Dr. Muhammad connects the crack epidemic to the larger narrative of African Americans' historical disenfranchisement, making it clear that drug addiction is not merely a personal failing but a symptom of centuries of cultural and economic subjugation. His presence on the track also reinforced

Public Enemy's role as not just entertainers but activists, aligning them with the Black nationalist movement that resonated deeply within hip-hop culture. At a time when hip-hop was becoming a dominant force in shaping political discourse among Black youth, Dr. Muhammad's inclusion gave "*NIGHT OF THE LIVING BASEHEADS*" an undeniable authenticity and a call to action that elevated it beyond music into a form of revolutionary expression.



23.

24. Defendants PUBLIC ENEMY, CARLTON RIDENHOUR (CHUCK D), HANK SHOCKLEE, and ERIC SADLER (collectively, the "Composer Defendants") received credit as composers of "NIGHT OF THE LIVING BASEHEADS," despite the unauthorized incorporation of Dr. Muhammad's speeches into the song. Plaintiff is the sole owner of the U.S. copyright in all rights, titles, and

1 interests in the recorded speeches of KHALLID ABDUL MUHAMMAD, which were used without
2 authorization in "NIGHT OF THE LIVING BASEHEADS." , a copyrighted work, officially
3 registered with the United States Copyright Office under Registration Number PA 384-605, with a
4 Date of Creation: 1988 and Date of Publication: June 14, 1988. The sound recording is separately
5 registered under Registration Number SR0000099400.

6 25. The corporate Defendants, including UNIVERSAL MUSIC GROUP, DEF JAM RECORDINGS,
7 CBS RECORDS, and DEF AMERICAN SONGS, are believed to be responsible for the publishing,
8 licensing, distribution, and commercialization of the infringing work.

9 26. Plaintiff, the ESTATE OF KHALLID ABDUL MUHAMMAD , is the legal owner of the copyright
10 in the recorded speeches of Dr. Muhammad, which were used without authorization in "NIGHT OF
11 THE LIVING BASEHEADS." Dr. Muhammad's copyrighted works are officially registered with
12 the United States Copyright Office under Registration Number TXuu 2-392-736, titled "South Africa:
13 The Wicked Offspring of America and 3 Other Unpublished Works", with a Date of Registration:
14 September 22, 2023. This registration confirms Plaintiff's exclusive rights to the work and further
15 underscores the unauthorized and unlawful use by Defendants. Despite repeated commercial
16 exploitation of the song through sales, streaming, and licensing, Defendants failed to seek proper
17 clearance or provide compensation to Plaintiff. This unauthorized use has resulted in significant
18 financial gain for Defendants while causing economic harm and reputational damage to the Plaintiff.,
19 which were used without authorization in "NIGHT OF THE LIVING BASEHEADS". Despite
20 repeated commercial exploitation of the song through sales, streaming, and licensing, Defendants
21 failed to seek proper clearance or provide compensation to Plaintiff. This unauthorized use has
22 resulted in significant financial gain for Defendants while causing economic harm and reputational
23 damage to the Plaintiff.

- 1 27. Defendants' continued exploitation of the infringing work, including its availability on digital
2 platforms and licensing for commercial use, constitutes an ongoing violation of Plaintiff's exclusive
3 rights. Plaintiff now seeks legal redress to recover damages and to enjoin Defendants from further
4 infringement of KHALLID ABDUL MUHAMMAD's intellectual property.
- 5 28. Additionally, the sampled portions of Dr. Muhammad's speeches represent key, distinct, and
6 recognizable portions of his public addresses, the use of which gives "NIGHT OF THE LIVING
7 BASEHEADS" from the iconic album "IT TAKES A NATION OF MILLIONS TO HOLD US
8 BACK" by Defendants PUBLIC ENEMY its distinctive political and social impact. The unauthorized
9 usage has misappropriated the message, voice, and intellectual contributions of Dr. Muhammad,
10 leading to a wrongful association of his words with a commercial product without consent. The
11 commercial success of the song and its continued use in streaming, licensing, and public
12 performances have generated substantial revenue, which rightfully belongs to Plaintiff.
- 13 29. As a result, Defendants' actions constitute not only direct copyright infringement but also
14 contributory and vicarious infringement. Defendants knowingly facilitated the infringement by
15 reproducing, distributing, and profiting from the unauthorized recordings, while also failing to credit
16 or compensate Plaintiff. Such actions are willful, deliberate, and undertaken with reckless disregard
17 for Plaintiff's rights, warranting the full extent of statutory damages and injunctive relief.

18 **CAUSE OF ACTION COPYRIGHT INFRINGEMENT**

19 **(Direct, Contributory, And Vicarious Copyright Infringement Against All Defendants)**

- 20 30. Plaintiff's rights in the copyrighted works have been formally recognized through federal registration
21 with the United States Copyright Office (Registration Number TXuu 2-392-736, Date of
22 Registration: September 22, 2023, Title: "South Africa: The Wicked Offspring of America and 3
23 Other Unpublished Works"). The Copyright Act, 17 U.S.C. §§ 101 et seq., grants the copyright

owner exclusive rights, including reproduction, distribution, and public performance. Defendants' unauthorized use of KHALLID ABDUL MUHAMMAD's intellectual property constitutes a direct violation of these rights, warranting statutory damages and injunctive relief.

31. Plaintiff is the sole owner of the U.S. copyright in all rights, titles, and interests in the recorded speeches of KHALLID ABDUL MUHAMMAD. These works are properly registered with the United States Copyright Office. The copyrighted works are officially registered with the United States Copyright Office under Registration Number TXuu 2-392-736, titled "South Africa: The Wicked Offspring of America and 3 Other Unpublished Works", with a Date of Registration: September 22, 2023

32. Defendants' unauthorized reproduction, distribution, public performance, display, and creation of a derivative work of Dr. Muhammad's speeches infringe upon the Estate's exclusive rights in violation of the Copyright Act, 17 U.S.C. §§ 101 et seq.

33. Defendants did not seek or receive permission to copy or interpolate any portion of Dr. Muhammad's speeches into "NIGHT OF THE LIVING BASEHEADS."

34. Defendants' conduct has at all times been knowing, willful, and with complete disregard for the Estate's rights. As a proximate cause of Defendants' wrongful conduct, the Estate has been irreparably harmed.

35. The infringing work substantially copies and publicly performs the most distinct, important, recognizable, and significant portions of Dr. Muhammad's speeches to the extent that "NIGHT OF THE LIVING BASEHEADS" from the iconic album "IT TAKES A NATION OF MILLIONS TO HOLD US BACK" by Defendants PUBLIC ENEMY could not exist without the stolen portions.

36. From the date of creation of "NIGHT OF THE LIVING BASEHEADS," Defendants have infringed the Estate's copyright interest in the speeches, including: (a) by substantially copying and publicly

1 performing, or authorizing the copying and public performances, including publicly performing the
2 song on the radio, at live concerts, and personal appearances, and on film, video, television, internet,
3 and otherwise; (b) by authorizing the reproduction, distribution, and sale of the records, digital
4 downloads, and streaming through the execution of licenses, and/or actually selling, manufacturing,
5 and/or distributing the song through various sources and outlets; (c) by substantially copying and the
6 related marketing and promotion of the sale of records, videos, downloads, streams, tickets to
7 concerts and other performances, and other merchandise; (d) by participating in and furthering the
8 aforementioned infringing acts, and/or sharing in the proceeds therefrom, all through substantial use
9 of Dr. Muhammad's speeches in and as part of the infringing works, packaged in a variety of
10 configurations and digital downloads, streams, mixes, and versions, and performed in a variety of
11 ways including internet, radio, concerts, personal appearances, film, video, television, downloads,
12 streams, and otherwise.

13 37. Neither Dr. Muhammad's Estate nor his heirs have received credit for, nor have they received any
14 copyright ownership interests in and for, any of the exploitations of "NIGHT OF THE LIVING
15 BASEHEADS" from the iconic album "IT TAKES A NATION OF MILLIONS TO HOLD US
16 BACK" by Defendants PUBLIC ENEMY or any works associated with it.

17 38. The infringement by Defendants has been, and continues to be, willful and knowing. With knowledge
18 of the infringement, Defendants have induced, caused, or materially contributed to the infringing
19 conduct of others, such that they should be found to be contributorily liable.

20 39. Defendants had the right and ability to control other infringers and have derived a direct financial
21 benefit from that infringement, making them vicariously liable. The infringement is continuing as
22 "NIGHT OF THE LIVING BASEHEADS" from the iconic album "IT TAKES A NATION OF

1 MILLIONS TO HOLD US BACK” by Defendants PUBLIC ENEMY remains available on digital
2 platforms, streaming services, and licensed for commercial use.

3 40. As a direct and proximate result of Defendants’ conduct, the Estate has suffered actual damages
4 including lost profits, lost opportunities, and loss of goodwill.

5 41. Pursuant to 17 U.S.C. § 504, the Estate is entitled to actual damages, including Defendants’ profits,
6 as will be proven at trial, and/or statutory damages, including attorneys’ fees.

7 42. Defendants' conduct is causing and, unless enjoined by this Court, will continue to cause the Estate
8 irreparable injury that cannot be fully compensated or measured in monetary terms. Pursuant to 17
9 U.S.C. § 502, the Estate is entitled to a permanent injunction prohibiting the reproduction,
10 distribution, sale, public performance, or other use or exploitation of "NIGHT OF THE LIVING
11 BASEHEADS", including all infringing works.

12 CONCLUSION

13 43. Based on the well-established principles of copyright law, Defendants’ actions constitute a clear and
14 willful infringement of Plaintiff’s rights. The Supreme Court's ruling in *Warner Chappell Music, Inc.*
15 *v. Nealy* 144 S.Ct. 1135 (2024) has affirmed that Plaintiffs are entitled to damages for the full extent
16 of the infringement, beyond the three-year limitation, ensuring that the ESTATE OF KHALLID
17 ABDUL MUHAMMAD receives appropriate compensation. This decision provides strong legal
18 grounds for granting the relief sought in this case.

19 44. Furthermore, the precedents set in *Bridgeport Music v. Dimension Films*, 410 F.3d 792 (6th Cir.
20 2005) and *Grand Upright Music, Ltd. v. Warner Bros. Records Inc.* 780 F. Supp. 182 (S.D.N.Y. 1991
21 reinforce the strict liability applied to unauthorized sampling of copyrighted material. These cases
22 make it clear that Defendants were obligated to obtain proper licenses before using Dr. Muhammad’s

1 intellectual property. The failure to do so demonstrates blatant disregard for copyright protections and
2 further supports Plaintiff's claim for damages.

3 45. The ESTATE OF KHALLID ABDUL MUHAMMAD has suffered economic harm and reputational
4 damage due to Defendants' exploitation of his speeches without consent or compensation. In order to
5 protect the rights of creators and their estates, this Court should find in favor of the Plaintiff and
6 award both monetary damages and injunctive relief to prevent future unauthorized use of Dr.
7 Muhammad's works.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

10 A. A finding that Defendants have willfully infringed Plaintiff's copyright(s);

11 B. An order enjoining Defendants from further infringement;

12 C. Statutory damages of up to \$5 million per instance of unauthorized use;

13 D. An order impounding infringing materials;

14 E. An award of attorneys' fees and costs;

15 F. Such other relief as the Court deems just and proper.

16 **JURY DEMAND**

17 Plaintiff respectfully requests a jury trial.
18
19

1 Dated: 3/15/25
2

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11 Dated: 3/15/25
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